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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/944,137	09/04/2001	Nobuyuki Matsumoto	35.C15739	1747	
5514	7590 06/25/2003				
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAM	EXAMINER	
			NGUYEN, LAM S		
			ART UNIT	ART UNIT PAPER NUMBER	
			2853		
			DATE MAILED: 06/25/2003	3	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner	•11		Application No.	Applicant(s)	÷,				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address → Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Estensions of time my be exmisble under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (b) MONTHS from the maining date of this communication. If the period for reply is specified above, he maximum statutory period will apply and vitil expire SIX (b) MONTHS from the maining date of this communication. If the period for reply is specified above, he maximum statutory period will apply and vitil expire SIX (b) MONTHS from the maining date of this communication. If the period for reply is specified above, he maximum statutory period will apply and vitil expire SIX (b) MONTHS from the maining date of this communication, even if timely filed, may reduce any examed patient term adjustment. See 37 CFR 1.704(b). Status 1) Responsive to communication(s) filed on 30 May 2003. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-7 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 1-7 is/are rejected. 7) Claim(s) 1-7 is/are rejected to by the Examiner. 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 04 September 2001 is/are: a) accepted or b) objected to by the Examiner. Application Papers 9) The specification is objected to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is a) approved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The cath or declaration is o			09/944,137	MATSUMOTO ET AL.					
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* See the attached detailed Office action for a list of the certified copies not received.									
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).									
a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.									
Attachment(s)		-	•						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152) 6) Other:	2) Notic	e of Draftsperson's Patent Drawing Review (PTO-948)	5) Notice of						

Application/Control Number: 09/944,137

Art Unit: 2853

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

1. Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The amended claims 1 and 5-7 contain new limitation "when a judgment is made that the ink is partially present in said flow path and the ink is not normally supplied" which was not described in the specification. As a result, the new added limitation is considered as a new subject matter.

Response to Arguments

Applicant's arguments filed 05/05/2003 have been fully considered but they are not persuasive.

Regarding to the argument on pages 6-7: The applicants pointed out that page 20, line 16 to page 27, line 6, page 23, lines 12-25, and page 24, line 14 to page 24, line 2 of the specification describe the new added limitation "when a judgment is made that the ink is partially present in said flow path and the ink is not normally supplied". However, the examiner could not find any description that supports for the above limitation. In contrast, on page 25, line 17-22 and page 28, line 25-28, the specification discloses the detection of "the existence and

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non-existence" of ink. Therefore, the specification does not disclose the detection of the ink that is partially present in the flow path.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAM S NGUYEN whose telephone number is (703)305-3342. The examiner can normally be reached on 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RUSS ADAMS can be reached on (703)308-2847. The fax phone numbers for the organization where this application or proceeding is assigned are (703)305-3431 for regular communications and (703)305-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0956.

LN June 19, 2003

JUDY NGUYEN Y